



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

HUTCHISON

Serial No. 09/846,782

Filed: May 2, 2001

For: TUFTED COVERING FOR FLOORS AND/OR WALLS

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Atty. Ref.: 11-902

Group: 1772

Examiner: Unassigned

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November 14, 2001

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

As suggested by 37 C.F.R. 1.97, the undersigned attorney brings to the attention of the Patent and Trademark Office the reference listed on the attached form PTO-1449, a copy of which is enclosed. This is not to be construed as a representation that a search has been made or that no better prior art exists, or that a reference is relevant merely because cited.

In addition to the patents and publications noted in the present and previous Information Disclosure Statements, applicant is aware of a Masland product commercially available more than one year prior to the filing date of the above-identified patent application. This Masland product constituted a carpet where, by using different yarn plants and needle bar shifts, a pattern is created in the backstitch with minimum pile height on the face of the carpet. The primary backing, however, was not exposed as part of a wear surface, similarly as the wear surface of the carpet disclosed in Figures 7-9 of Padgett, U.S. Patent No. 5,560,307 is not intended to expose the substrate through the backstitches. That is, the patterned backstitch of the Masland product completely covered the primary backing or substrate throughout the extent of the carpet similarly as in conventional tufted carpets. The Masland carpet obtained a unique look with patterned backstitches, while completely covering the tufting substrate.

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In contrast, the present invention provides a floor, wall or ceiling covering in which the backstitch is used in a decorative pattern on a flat primary backing or substrate which is exposed to varying degrees, both the backstitch and exposed primary backing forming part of the wear surface, as well as the carpet design.

The Examiner is requested to initial the attached form PTO-1449 and to return a copy of the initialed document to the undersigned as an indication that the attached reference has been considered and made of record.

Respectfully submitted,

NIXON & VANDERHYE P.C.

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